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Rejection Under 35 U.S.C. 103(a)

Claims 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 6,638,784 issued to Bartlett et al. on October 28, 2003.

The Office Action states that Bartlett et al. teaches a packaged MEMS device which includes a packaging within which is mounted at least one optical MEMS device and a distinct integrated circuit chip mounted upon the packaging. The Office Action further states that it would have been obvious to one of ordinary skill in the art that the Bartlett et al. packaging is adapted to maintain the optical MEMS device in a prescribed relationship with at least one other optical component, for this is the purpose of the packaged device. The Office Action also takes the fact that Bartlett et al. a) does not disclose that one of the chips contains low-voltage D/A converters or that another of the chips contains high-voltage amplifiers, nor b) any details regarding the plurality of chips, to indicate that the subject packaging arrangement is applicable to all types of chips and that one of ordinary skill in the art would know that many optical MEMS devices require low-voltage D/A converters and high-voltage amplifiers, and they would thus use such chips in the Bartlett et al. arrangement.

Applicants respectfully disagree and traverse this ground of rejection for the following reasons.

The Office Action continues to completely mischaracterized the Bartlett et al. reference. Specifically, as previously explained, there is no mounting of any chips onto the packaging, as recited in applicants' claims. Instead, in Bartlett et al, integrated circuits with MEMS devices incorporated therein are initially formed together on a single wafer, the chips are individually capped with a MEMS hermetic cap to create an independent hermetic bond around each of the various chips, and the wafer is then cut to separate the individually capped chips, thus resulting in multiple separate capped MEMS chips. See Bartlett et al., column 2, lines 44-59.

In other words, Bartlett et al. only teaches a single MEMS chip within each hermetic cap. There is no teaching in Bartlett et al. of a packaging onto which any chip is mounted, i.e., not even one chip is mounted on the packaging, as recited in applicants' claims. Thus, even if the Bartlett et al., packaging was adapted to maintain a prescribed

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optical relationship with at least another optical component, which applicants are not admitting, applicants' independent claim 34 is still allowable over Bartlett et al. under 35 U.S.C. 103. Consequently, so too are claims 35 and 36 which depend from claim 34.fs

Conclusion


It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, he is invited to call applicant's attorney so that arrangements may be made to discuss and resolve any such issues.

In the event that an extension of time is required for this amendment to be considered timely, and a petition therefor does not otherwise accompany this amendment, any necessary extension of time is hereby petitioned for, and the Commissioner is authorized to charge the appropriate cost of such petition to the **Lucent Technologies Deposit Account No. 12-2325**.

Respectfully,

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By 

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